

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

---

UNITED STATES OF AMERICA,

Plaintiff,

v.

XENIA LEON-BECERRIL,

Defendant.

---

**DECISION AND ORDER**  
15-CR-88-A

This case was referred to Magistrate Judge H. Kenneth Schroeder, Jr., pursuant to 28 U.S.C. § 636(b)(1) for the conduct or pretrial proceedings. On January 12, 2017, Magistrate Judge Schroeder filed a Report and Recommendation (Dkt. No. 55), recommending that defendant Leon-Becerril's motion to dismiss (Dkt. No. 43) be denied.

After having been granted numerous adjournments of the time to object to the Report and Recommendation, on May 15, 2017, defendant Leon-Becerril filed objections. Dkt. No. 68. The United States filed a timely response. Dkt. No. 81. Oral argument was adjourned at the request of the parties until February 7, 2018, and the matter was deemed submitted after the parties' appearances on that date.

Pursuant to 28 U.S.C. §636(b)(1), this Court makes a *de novo* determination of those portions of the Report and Recommendation to which objections have been made. Upon *de novo* review, and after reviewing the submissions from the parties, the Court hereby adopts Magistrate Judge Schroeder's findings and conclusions. Accordingly, for the reasons set forth in Magistrate Judge

Schroeder's Report and Recommendation, defendant Leon-Becerril's motion to dismiss (Dkt. No. 43) is denied.

A status conference is scheduled for March 21, 2018, at 9:30 a.m., to set a date for trial.

**IT IS SO ORDERED.**

*Richard J. Arcara*

---

HONORABLE RICHARD J. ARCARA  
UNITED STATES DISTRICT COURT

Dated: February 8, 2018